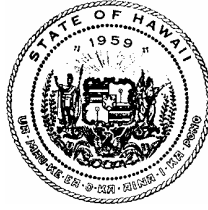


LINDA LINGLE  
GOVERNOR



DARWIN L.D. CHING  
DIRECTOR  
COLLEEN Y. LaCLAIR  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
**Hoisting Machine Operators Advisory Board**  
830 Punchbowl Street  
Honolulu, Hawaii 96814  
PH: (808) 521-3019 Fax: (808) 585-0422

Board Members  
Tom Vendetta, Chair  
Roy Akamine  
Ralph Cushnie  
Daniel Nelson  
  
Lora Contreras,  
Executive Director

***Approved 5-21-08***

Hoisting Machine Operator's Advisory Board Minutes  
Wednesday, April 16, 2008  
1:00 p.m.  
Department of Labor & Industrial Relations Office  
HIOSH Training Room  
830 Punchbowl Street #425  
Honolulu, Hawaii 96814

#### Call to order

Chair Vendetta established a quorum and called the meeting to order at 1:00p.  
Board member Ralph Cushnie participated from Kauai by conference call.  
**Deputy AG Lam will check if voting from a conference call is acceptable.**

Present: Roy Akamine, Danny Nelson, Tom Vendetta, Ralph Cushnie & Lora Contreras.

Guests: James Beyer, Sinclair Taniguchi, Jamesner Dumlao, Darwin Ching, Clayton Chun, James Hardway, Danette Nakooka, Michael Akau, Donald Gentzler, & Gerard Lam.

#### Minutes of March 5, 2008

Roy Akamine moved, seconded by Danny Nelson to approve the minutes of March 5, 2008 as circulated. Motion was approved and the minutes were accepted by unanimous consensus.

#### Community Concerns

Chair Vendetta asked for any community concerns, but the general consensus from everyone attending was to listen and only field answers from board members. Jamesner Dumlao updated the board on the enforcement guidelines for non-compliance of certification. He noted that the target date of April 7, 2008 was met and is currently in effect. Clayton Chun also shared that the internal enforcement guidelines had been circulated to all islands and compliance officers were reviewing them and were given a deadline for comments. The guidelines would continue to be subject to change as compliance officers start to field complaints.

**The HIOSH Division will provide enforcement updates as appropriate.**

James Hardway shared that the proposed amendment reviewed by the Small Business Regulatory Review Board passed the committee and were recommended to proceed to the Governor for approval to start public hearings. From the governor's approval the hearing process may take at least 30 days and become subject to discussion at the review board pending community input.

The rules will then return to the board for review. The board will give its final recommendation to the governor for signature.

**July is the target date for tower crane operators and their certifications to be in compliance.**

**James Hardway will submit to Pacific Business News a press release on the tower crane amendment and also note that the non-compliance citing had begun.**

Director's Report

No crane accidents reported by the department.

Correspondence – None

New Business

07-08/08-09 Budget

Chair Vendetta asked Director Ching to inquire if the HMOAB revolving funds are separate from the general fund monies.

**Director Ching will check with fiscal officer Patrick Fukuki.**

The board approved \$5,000. on March 5, 2008, for updating computer and printer equipment for Lora Contreras, however, Jamesner Dumlao informed the board that there are other pending costs for internet service, parking fees and supplies costs.

**Roy Akamine moved, seconded by Danny Nelson to approve using any excess monies available from FY07-08 budget to pay for yearly parking for the HMOAB executive director, provide internet service and other necessary supplies. Motion was approved by unanimous consensus.**

Discussion continued on using monies for training. No decisions were made.

**Addressing what training programs would be possible will be on the next meeting agenda.**

**Roy Akamine moved, seconded by Danny Nelson to authorize use of any excess FY07-08 monies for certification training purposes.**

California Rules

Roy Akamine asked the board to discuss and consider recommending to the DLIR director that the State should consider adopting California's crane operator certification rules. The rules appear at least as stringent as ours, fairer on employers of operators, operators, and appear to provide for more effective enforcement by safety inspectors. Discussion ensued on how HIOSH could negotiate with employers when citing for substantial monetary penal settlements to require them to provide mobile and tower crane safety training.

Further discussion was to possibly eliminate the certification fees. A possibility could be if the NCCCO card could be the only certified requirement. This would require amending 12-48 rules or just eliminate the rules.

**Director Ching asked Jamesner Dumlao to do preliminary research comparing the California Rules with the State of Hawaii Rules for more effective enforcement guidelines.**

**Director Ching asked Deputy AG Lam to check into the possibility of eliminating certification fees and requiring only NCCCO cards.**

#### Unfinished Business

##### HMOAB Website

Chair Vendetta asked the board for permission to add their names, board appointed terms and notice of all HMOAB meetings be held on the 3<sup>rd</sup> Wednesday of each month for the 2008 year, on the HMOAB website. December will be the only month for no meetings. Further discussion ensued on whether the website could post the types of machines the operators were certified to operate and the ANSI/ASME standards or at least a full detail of testing requirements. These requests were approved by unanimous consensus.

**Deputy AG Lam will review these requests for authorization.**

#### Executive Session

2:00 pm Roy Akamine moved, seconded by Danny Nelson to recess and move into executive session.

Announcements – Next board meeting is May 21, 2008 at 1:00pm.

#### Adjournment

3:26 pm Roy Akamine moved, seconded by Danny Nelson to adjourn the meeting.

#### Hand-outs

1. Printed email from Roy Akamine re: adopting California's crane operator certification rules.
2. Draft copy of new certification card for DLIR signature.
3. Printed email from Tom Vendetta listing other requests to DLIR to upload information on the HMOAB website.
4. Draft guidelines governing enforcement of the Hoisting Machine Operators Standards.
5. Draft copies of the 07-08 and 08-09 FY Budgets.
6. HMOAB Certification Admin. Rules